

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10048-NG
)	
)	
GIECLIFF RODRIGUEZ ET AL)	

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(C), the parties are hereby jointly filing the following Status Report prepared in connection with the Interim Status Conference scheduled for June 3, 2004.¹

1. Outstanding Discovery Issues

There are presently no outstanding discovery motions or issues. Because counsel for Deleon was recently appointed as successor defense counsel, he is requesting that the time for him to file discovery motions be extended to June 29, 2004 and that a Final Status Conference be scheduled in early July on a date convenient for the Court. The government does not oppose this request.

2. Additional Discovery

The government will provide expert discovery 21 days before

¹ As set forth herein, defendant Carmelo Rodriguez has already pled guilty to the charges against him. Because the case against him has been sent to the district court for disposition, counsel for Carmelo Rodriguez was not requested to execute this report.

trial. The defendants will provide expert discovery 7 days before trial. Subject to the request made by Deleon as set forth in paragraph 1, no other party presently anticipates producing or requesting any other additional discovery.

3. Insanity/ Public Authority Defenses

The defendants do not presently intend to raise a defense of insanity or public authority.

4. Notice of Alibi

The government requested a Notice of Alibi in its Automatic Discovery Letter to all defendants. No response has been received to that request as of this date.

5. Motions

As set forth above, Deleon is requesting until June 29, 2004 to file discovery or other motions. The other defendants do not presently anticipate filing any motions to suppress, to sever or to dismiss prior to trial but are reserving their right to file other pretrial motions that could require a ruling by the District Court.

6. Scheduling

As set forth above, the parties still before this Court are requesting that a Final Status Conference be scheduled for early July on a date convenient for the court and that the time for Deleon to file discovery and other motions be continued until June 29, 2004. The parties agree that the time between June 3,

2004 and the date of the Final Status Conference is excludable under the Speedy Trial Act.

7. Early Case Resolution

Carmelo Rodriguez has pled guilty to charges against him and is scheduled to be sentenced in July. Ricardo Rosario has requested a Rule 11 hearing that is scheduled to take place on June 29, 2004. The parties will report to the court on the possibility of a plea with respect to the other defendants at the Final Status Conference.

8. Speedy Trial Act Calculations

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and agree that the following periods are excludable:

2/24/04-3/19/04	Government's motion for detention
3/4/04-4/1/04	Order for exclusion entered 3/4/04
4/2/04-6/3/04	Order for exclusion entered 4/9/04
6/3/04- Final Status	Excluded at the request of all parties in the interest of justice as set forth above.

As of the Final Status Conference, 0 days will have been counted and 70 days will remain under the Speedy Trial Act.

9. Length of Trial

In the event that a trial is required for the two remaining

defendants, the parties estimate that it will last 7-10 days.

Respectfully submitted,

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